S.B.Cr.Misc. Bail Appli. No.5953/2007
(Meva Ram & Anr. Vs. State of Rajasthan)

Date of order : December 07, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Vishwajeet, for the petitioners.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned.

Petitioners seek anticipatory bail for the offences under sections 143, 447, 323 I.P.C and section 3(1)(x) of the S.C. & S.T. (Prevention of Atrocities) Act, 1989 (for short `the Act of 1989'). Section 18 of the Act of 1989 takes away the application of section 438 Cr.P.C.

Accordingly, the bail application filed under section 438 Cr.P.C on behalf of petitioners is dismissed as not maintainable in view of section 18 of the Act of 1989.

However, learned counsel for the petitioners submits that the petitioners would surrender before the trial court and move a regular bail.

In view of the statement of the learned counsel for the petitioners, let the petitioners surrender before the trial court and if the petitioners surrender before the trial court and move a regular bail, the trial court shall release the petitioners on bail on the terms and conditions, which the trial court thinks fit.

(H.R.PANWAR),J.

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